

FILED

MAY 19 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTONIO DIAZ-FREGOSO,

Defendant - Appellant.

No. 05-50799

D.C. No. CR-04-1069-SJO-1

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
S. James Otero, District Judge, Presiding

Submitted May 15, 2006^{**}

Before: B. FLETCHER, TROTT, and CALLAHAN, Circuit Judges

Antonio Diaz-Fregoso appeals the sentence imposed following his guilty plea to possession of methamphetamine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1). He contends that a supervised release condition requiring him

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

to report to his probation officer if he reenters the United States forces him to incriminate himself in violation of the Fifth Amendment. This contention is foreclosed by *United States v. Rodriguez-Rodriguez*, 441 F.3d 772-73 (9th Cir. 2006).

AFFIRMED.